



US Army Corps  
of Engineers  
Seattle District



# Joint Public Notice

## Application for a Department of the Army Permit and a Washington Department of Ecology Water Quality Certification and/or Coastal Zone Management Consistency Concurrence

US Army Corps of Engineers  
Regulatory Branch  
Post Office Box 3755  
Seattle, WA 98124-3755  
Telephone (206) 764-6900  
Attn: Casey Ehorn, Project Manager

WA Department of Ecology  
SEA Program  
300 Desmond Drive Southeast  
Olympia, WA 98503-7600  
Telephone (360) 407-6068  
Attn: SEA Program, Federal Permit  
Coordinator

Public Notice Date: May 16, 2007  
Expiration Date: June 14, 2007

Reference No.: NWS-2007-234-SO  
Name: Phillips, H. & C. and  
Marklund, L. & G.

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Interested parties are hereby notified that the U.S. Army Corps of Engineers (Corps) and the Washington Department of Ecology (Ecology) have received an application to perform work in waters of the United States as described below and shown on the enclosed drawings.

The Corps will review the work in accordance with Section 10 of the Rivers and Harbors Act. Ecology will review the work pursuant to the Coastal Zone Management Act.

APPLICANT: Phillips, H. & C. and Marklund, L. & G.  
Post Office Box 639  
Keyport, Washington 98345  
Telephone: (360) 697-9004

AGENT: Shoreline Solutions  
Ms. Leann Ebe McDonald  
9784 Northeast Lafayette Avenue  
Bainbridge Island, Washington 98110  
Telephone: (206) 300-2678

LOCATION: In Dogfish Bay, Liberty Bay, Puget Sound near Keyport, Kitsap County, Washington.

WORK: Construct a pier, ramp, and float.

PURPOSE: Joint-use boat moorage and other water related recreational activities.

ADDITIONAL INFORMATION: The proposed project meets the design criteria for Regional General Permit 6. However, due to the length of the overall project (200-feet), the application is being evaluated using individual permit procedures to allow for public comment on this specific project to ensure adequate evaluation of all public interest factors, including navigation.

**MITIGATION:** The proposed project has been designed to meet the mitigation requirements of Regional General Permit 6. The proposed access ramp will have 100 percent grating; the proposed float will have 50 percent functional grating, 10-inch diameter galvanized steel piles spaced 20-feet apart will be utilized; and shoreline plantings will be planted along the shoreline.

**ENDANGERED SPECIES:** The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. After receipt of comments from this public notice, the Corps will evaluate the potential impacts to proposed and/or listed species and their designated critical habitat.

**ESSENTIAL FISH HABITAT:** The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would impact EFH in the project area. The Corps has determined that the proposed action will not adversely affect designated EFH for federally managed fisheries in Washington waters. No further EFH consultation is necessary.

**CULTURAL RESOURCES:** The District Engineer has reviewed the latest published version of the National Register of Historic Places, lists of properties determined eligible and other sources of information. Known historic properties occur in the vicinity of the proposed project. However, they do not occur in the permit area. The proposed work is of such a limited nature and extent (*has been extensively modified by modern development*) that little likelihood exists for the proposed project to impinge upon an undisturbed historic property. The District Engineer invites responses to this public notice from Native American Nations or tribal governments; Federal, State, and local agencies; historical and archeological societies; and other parties likely to have knowledge of or concerns with historic properties in the area. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

**PUBLIC HEARING:** Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

**EVALUATION – CORPS** - The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

EVALUATION—ECOLOGY: Ecology is soliciting comments from the public; Federal, Native American Nations or tribal governments, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Ecology will be considering all comments to determine whether to certify or deny certification for the proposed project.

ADDITIONAL EVALUATION: This proposal is the subject of a Shorelines Substantial Development Permit Application being processed by Kitsap County.

COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. Either conventional mail or e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration.

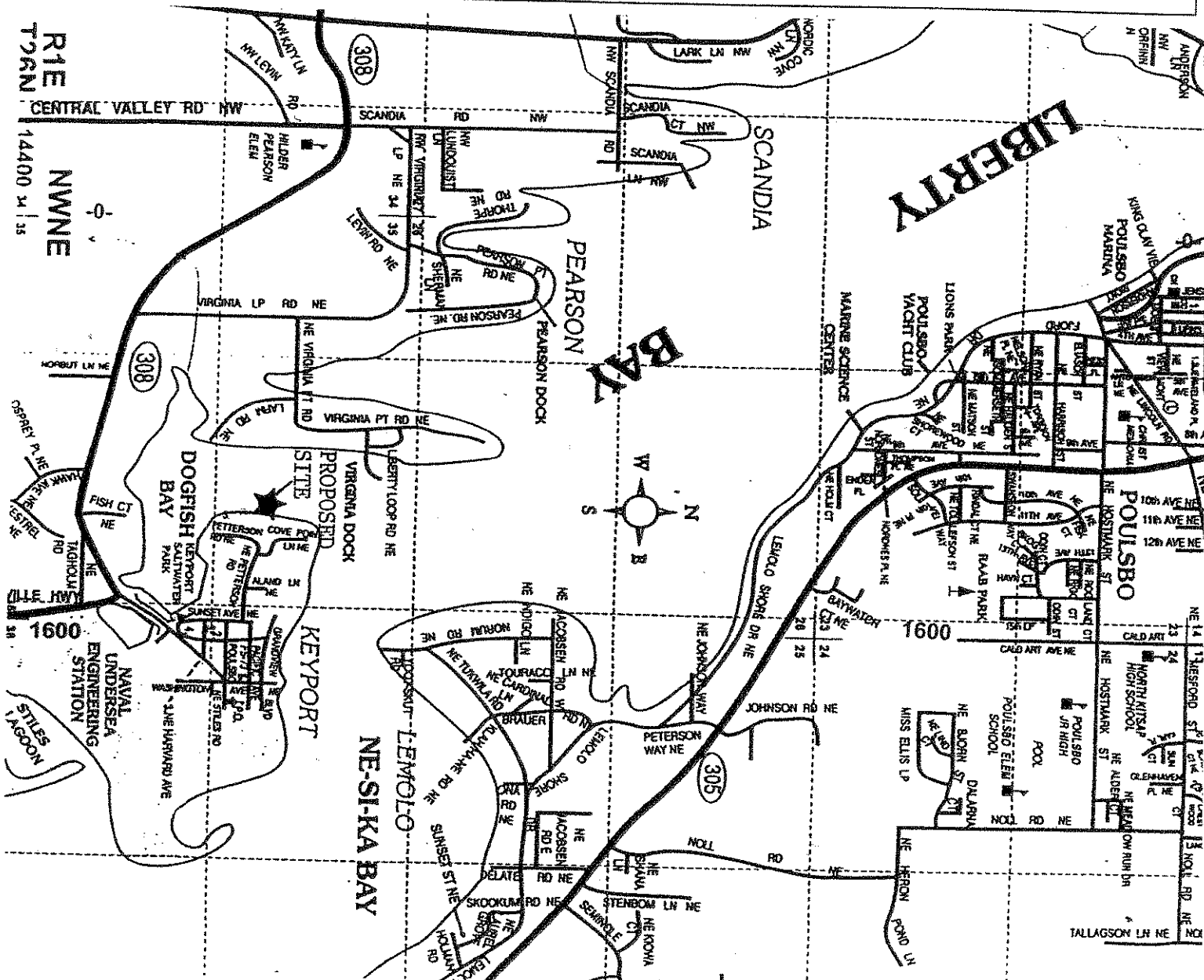
Corps comments: All e-mail comments should be sent to [Casey.H.Ehorn@usace.army.mil](mailto:Casey.H.Ehorn@usace.army.mil). Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Attn: Casey Ehorn, Post Office Box 3755, Seattle, Washington 98124-3755.

Ecology Comments: Any person desiring to present views on the project pertaining to a request for water quality certification under Section 401 of the CWA, may do so by submitting written comments to the following address: Department of Ecology, Attn: SEA program – Federal Permit Coordinator, Post Office Box 47600, Olympia, Washington 98503-7600, or e-mail to [ecyrefedpermit@ecy.wa.gov](mailto:ecyrefedpermit@ecy.wa.gov).

To ensure proper consideration of all comments, responders must include the following name and reference number in the text of their comments: Phillips & Marklund - File No. NWS-2007-234-SO

Encl: Figures (5)

SHEET: 2 OF 7 DATE: January 10, 2007



### Driving Directions

Hwy. 3 to Hwy. 308

East on Hwy. 308 to Keyport

First left after bridge on  
Harvard Ave.

Second right onto Sunset A

First left onto NE Petter-  
son RD.

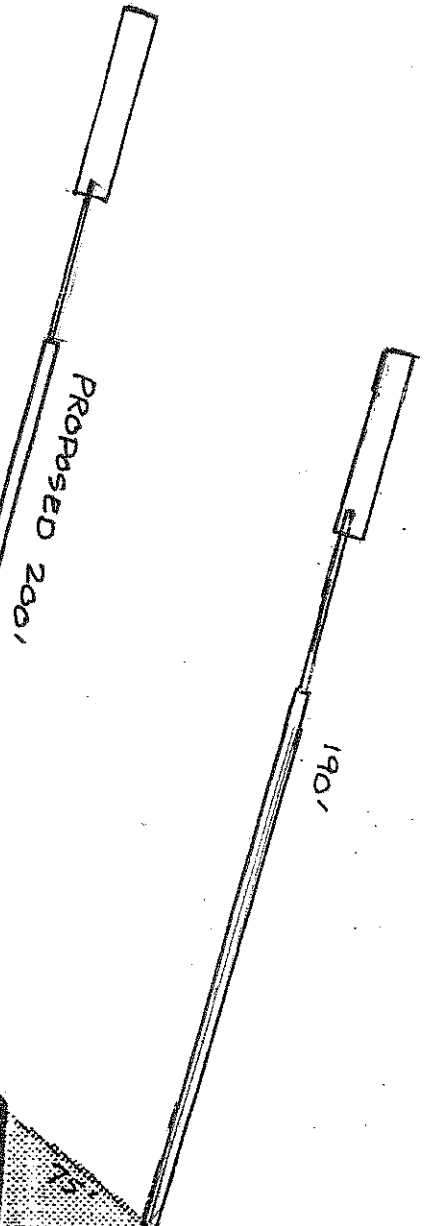
After the 90 degree curve to the left we are the 4th & houses on the right.

## Longitude and Latitude

47° 42' 122° 37'

## VICINITY MAP

DOCKS:  
ADJOINING  
PROPERTIES



JOHANSON

PHILLIPS

MARKLUND

HOSTETTER

TIGAR

BERG

REFERENCE: NVS - 2007 - 234-SO  
APPLICANT: Hamp & Cindy Phillips, Len & Gaye Marklund  
PROPOSED: Construct a new 96' pier, 40 ramp, 40' float.  
A 30' fully grated ramp will be used to connect top of bank to pier.  
AT: Keyport, between Poulsbo and Silverdale, WA COUNTY: Kitsap  
SHEET: 2 OF 5 DATE: 11 APR 2007 STATE: WA



Phillips/Marklund Float — 8' x <sup>40'</sup>~~20'~~

2 x 4 tub	2 x 4 grating	2 x 4 tub	2 x 4 grating	2 x 4 tub	2 x 4 tub	2 x 4 grating	2 x 4 grating	2 x 4 tub
2 x 4 tub	2 x 4 grating	2 x 4 tub	2 x 4 grating	2 x 4 tub	2 x 4 tub	2 x 4 grating	2 x 4 grating	2 x 4 tub

2 x 12 fascia                      4 x 12 whaler  
 3 x 12 stringers                2 x 6 decking  
 12" cleats                        2 x 8 grating  
 2 x 4" floatation tubs        4 x 4 grating

REFERENCE:  
 APPLICANT: Hamp & Cindy Phillips, Len & Gaye Marklund

PROPOSED: Construct a new 96' pier, 40 ramp, 40' float. At 30' ramp will be used to connect top of bank to pier.  
 AT: Keyport, between Poulsbo and Silverdale, WA    COUNTY: Kitsap    STATE: WA

SHEET: ~~4~~ OF ~~5~~                      DATE: ~~January 10, 2007~~ <sup>11 Apr 2007</sup>



Johanson

Planting Key

○

Cotoneaster - 200

●

Salal - 200

Total  
400 plants

Burlap bag filled with 1  
cotoneaster and 1 salal plant,  
potting soil - applied to bank.

EL. 16'

65'

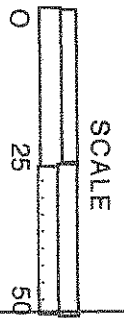
Phillips

Proposed 200' Dock

Heavy natural vegetation

95'

Marklund



Hostetter

75'

Existing 190' Dock

REFERENCE: NWS 2007-234-SO  
APPLICANT: Hamp & Cindy Phillips, Len & Gaye Marklund

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AT: Keyport, between Poulsbo and Silverdale, WA COUNTY: Kitsap STATE: WA

SHEET: 5 of 5 DATE: April 11, 2007